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Attorneys for Defendant
Mr. Garcia

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:23CR228-DJC
Plaintiff,)
vs.) STIPULATION AND ORDER TO CONTINUE
) JUDGMENT AND SENTENCING
EDGAR ENRIQUE GARCIA-LOPEZ,) Date: January 30, 2025
) Time: 9:00 a.m.
) Judge: Daniel J. Calabretta
<u>Defendant.</u>)

IT IS HEREBY STIPULATED and agreed by and between Acting United States Attorney Michele Beckwith, through Assistant United States Attorney Alstyn Bennett, counsel for Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Hootan Baigmohammadi, counsel for Defendant Edgar Enrique Garcia-Lopez, that the previously scheduled Judgment and Sentencing set for January 30, 2025 be continued to March 6, 2025 at 9:00 a.m.

The parties specifically stipulate as follows:

1. At the October 10, 2024 Status Conference re Judgment and Sentencing the Court modified the sentencing schedule because Mr. Garcia intended to file a Motion to Compel Discovery re: sentencing manipulation and the draft PSR had only published a week prior. The Court reset Judgment and Sentencing for January 9, 2025.

2. On November 10, 2024, Mr. Garcia requested information from the government relevant to an objection to the draft PSR assessing a +2 specific offence characteristic for importation of methamphetamine.
3. On November 15, 2024, the Court granted Mr. Garcia's Motion to Compel Discovery re: sentencing manipulation. ECF no. 67.
4. The following occurred while defense counsel was on leave from November 28 through December 13, 2024. On December 3, 2024, the government informed defense counsel that it had reviewed agent's notes and communications and did not find any materials responsive to the Motion to Compel Discovery re: sentencing manipulation. Informal objections were due on December 12, 2024.
5. On December 16, 2024, the government confirmed the information necessary for Mr. Garcia to file an informal objection to the PSR with respect to the +2 specific offence characteristic for importation of methamphetamine.
6. On December 20, 2024, with no objection from the government, the Court granted Mr. Garcia's motion to continue Judgment and Sentencing on the basis that he was exploring next steps with respect to any sentencing manipulation arguments, and he wished to timely submit informal PSR objections.
7. On January 2, 2025, Mr. Garcia timely submitted informal PSR objections.
8. On January 10, 2025, the final PSR was timely filed.
9. On January 14, 2025, Mr. Garcia requested from the government to review his seized cellular phone for sentencing mitigation purposes. The government responded that it had not extracted the information from the seized phone. The parties are currently making arrangements so that they can both review what is on the phone.
10. For the above reasons, Mr. Garcia believes that good cause and compelling circumstances exist to continue the Judgment and Sentencing.

11. The government does not object to Mr. Garcia's continuance request.

12. For the forgoing reasons, the parties jointly request that the Judgment and Sentencing Schedule be modified as follows.

Draft PSR	completed
Informal Objections	completed
Final PSR	completed
Formal Objections	February 20, 2025
Response to Formal Objections/Sentencing Memorandum	February 27, 2025
Judgment and Sentencing	March 6, 2025

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: January 16, 2025

/s/ Hootan Baigmohammadi
HOOTAN BAIGMOHAMMADI
Assistant Federal Defender
Attorneys for Defendant
Mr. Garcia

Date: January 16, 2025

MICHELE BECKWITH
Acting United States Attorney

/s/ Alstyn Bennett
ALSTYN BENNETT
Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Dated: January 21, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE